

INDEPENDENT POLICE AUDITOR  
(IPA) HAS TRACKED  
ALL PRIOR AND PENDING  
RECOMMENDATIONS SUBMITTED  
BY THE IPA FOR APPROVAL TO  
THE SAN JOSE CITY COUNCIL.

# Chapter Three

**H**istorically the Office of the Independent Police Auditor (IPA) has tracked all prior and pending recommendations submitted by the IPA for approval to the San José City Council. The IPA views this process as a crucial measurement of the impact it has on improving the San José Police Department (SJPd). The IPA also ensures compliance with prior recommendations by conducting random audits of SJPd policies and procedures that were the subject of prior IPA recommendations. In keeping with this tradition this chapter provides updated information on the recommendations made by the IPA in the 2001 Year End Report, and the actions taken by the SJPd.

## I. San José Police Department Information Center

In the 2002 Year End Report, the IPA identified issues involving the Information Center (Front Desk) of the San José Police Department through reports made by citizens, and personal observations. On several IPA visits to the lobby, crowded conditions were observed including people waiting in lines for an extended amount of time before being assisted. The level of customer service being provided to the public was noticeably less than what would be considered desirable.

People go to the police station for many different reasons. While some people were there as victims of crimes, to conduct business regarding minor legal matters, or simply to obtain information, others were there for much more serious offenses. Among the mix of people were children and generally law-abiding citizens along with offenders of violent or sexual crimes. People communicating with officers at the front desk about personal or sensitive situations were forced to speak in the presence of others. Confidentiality was virtually non-existent in the lobby. This condition was problematic in that it discouraged people from communicating with the officers or were embarrassed unnecessarily.

The IPA also observed other customer service shortcomings including, the lack of clear and obvious information, the existence of only one courtesy telephone to reach police personnel, and the lack of public restrooms. These customer service issues combined with complaints of unprofessional or discourteous behavior on the part SJPd Information Center officers resulted in the IPA making ten recommendations to the SJPd. These recommendations and updates on their status are provided below.

### A. A study should be conducted to assess the feasibility of expanding the front lobby to alleviate the crowded conditions that exist.

**Update:** This recommendation has been adopted and as of July 30, 2002, the front lobby area of the main police station has been expanded 40% above its previous area size. While the number of seats still remains the same, they were rearranged to accommodate the public's demand specifically for vehicle releases at the "auto desk." In addition, specific area delineators using stanchions have enhanced mobility and reduced confusion by the public within the lobby. And the installation of additional courtesy telephones in the lobby area is reported to have alleviated delay in scheduled appointments, by allowing the public the capability to contact police employees who are stationed within the secured areas of the police station.

### B. A separate waiting area should be developed for designated services such as sex offenders waiting to register, criminals waiting to self-surrender, and other people that would pose a threat to the safety of others waiting in the lobby area of the main police station.

**Update:** It has been determined that this recommendation is not feasible due to the physical limitations of the facility. There is not sufficient space available to create a separate waiting area to separate individuals that pose a threat to others or who are there to register for sex or narcotics offenses



Left, front lobby area of SJPd station before IPA's recommendation. Right, front lobby area of SJPd station has been reconstructed and expanded 40% above its previous area size.

from those who are there for other reasons. Presently there is nothing in place to separate sex or narcotics offense registrants from the rest of the public utilizing the lobby of the police station.

**C. An interview room should be made available for desk officers to obtain statements from victims or witnesses of crimes in a private environment.**

**Update:** This recommendation has been adopted. Officers are now able to communicate with victims or witnesses in a private environment. This area is located in the Witness Center, in the lower level of the San José Police Department. The Witness Center allows for confidentiality between the public and the police. It is conducive to conducting interviews, specifically in cases that are sensitive in nature. It has proven to be particularly helpful in domestic violence cases that require photographs of the victim(s). A concern that surfaced as a result of this change is that when an officer assigned to front desk duty is required to use the Witness Center, the front desk is left with one less person and therefore understaffed.

**D. Additional courtesy telephones should be installed in the Information Center.**

**Update:** This recommendation has been adopted. Another telephone has been installed beside the original existing telephone. In addition a third telephone that allows the public access to police records personnel has also been installed. As mentioned previously, the results of the added telephones have decreased delays in providing assistance to the public and less congestion within the lobby of the police station.



Two additional courtesy telephones have been installed in the SJPd Information Center (Front Desk) as recommended by the IPA.

**E. Monitors should be installed in the lobby of the San José Police Station displaying information such as activities, services, and meetings taking place in the Police Administration Building.**

**Update:** This recommendation was not adopted due to the lack of funding. While this recommendation is considered to be an excellent tool for the general public and officers assigned to the lobby desk, budget constraints forestall any possibility of the installation of monitors at this time. This recommendation will be reintroduced if funding sources become available in the future.

**F. Access to public restrooms should be made available to the public from the San José Police Station lobby. This would eliminate the requirement to sign-in with desk officers, go through the security gate, and provide access to restricted areas of the police department.**

**Update:** This recommendation was not adopted due to the lack of funding. The monetary considerations to modify the existing security gate leading from the lobby of the San José Police station into restricted access areas makes it impossible to do at this time. The public restrooms are located within the restricted access areas, approximately thirty feet from the security gate. Due to funding constraints, building additional restrooms outside the restricted areas of the police station is not feasible but they are made available to the public upon request and after registering at the front desk for security reasons and accountability. Because only one person at a time is allowed into the restricted areas of the police station to use the restrooms, a waiting line and delay can develop, creating an inconvenience to the public. Security concerns remain a priority and leave no other alternatives under the existing conditions.

**G. A receptionist should be placed in the San José Police Station lobby to provide**

**assistance and information to the general public.**

**Update:** This recommendation has not been adopted due to financial constraints. The police department, like all other departments of the City of San José, is currently in a financial situation that prohibits employing additional personnel as receptionists or greeters. Volunteers through the VOLT volunteer program are being sought however, and a search for suitable volunteers to perform these important tasks is in process. Some VOLT volunteers have been intermittently been assigned to work at the front lobby of the police station during the past year and they have proven to be effective in providing assistance to the public.

**H. Customer service training should be developed and desk officers receive initial and ongoing training.**

**Update:** Customer service training was implemented six months ago. The IPA has conducted this training since August 14, 2002 for all new officers assigned to the front desk.

**I. Information Center Sergeants should have the front desk as their primary responsibility and they should be provided office space where they can monitor the activities of the Information Center.**

**Update:** The Information Center sergeants are being asked to spend more time in the immediate area. Even though the sergeant's office is less than 10 feet from the Information Center, they are not able to see or hear the activity occurring at the front desk from their office.

**J. The Chief of Police should implement incentives to attract officers to work at the Information Center.**

**Update:** This recommendation has not been adopted because this issue must be addressed through contract agreement with the San José

Police Officer's Association (POA). Hours and working conditions are governed by the contract. The current contract is for 3 years, and will expire this year. Therefore, the IPA recommendation will be brought up in the negotiations with the POA for the next contract. At that time, the SJPD will study the possibilities of implementing incentives to work at the Information Center.

## II. Strategies in Recruiting and Retention

In the 2002 Year End Report, the IPA made recommendations designed to attract, recruit, retain and promote officers with better communication, conflict resolution and interpersonal skills. These recommendations were based on research and analysis by the IPA that recognized that since 11% of police contacts with citizens resulted in an arrest being made, almost all police-citizen contacts involved the need for good communication and interpersonal skills.

The IPA found that there is a direct correlation between officers who seldom generate citizen complaints, lawsuits or pre-lawsuit claims with officers with strong people skills. The IPA also cited studies from the National Center for Women in Policing (NCWP) indicating that female officers are more successful at defusing potentially violent confrontations, and are less likely to become involved in the use of excessive force. Consistent with this research, the IPA data analysis indicated that while female officers make up 9% of the officers in the SJPD and also 9% of all officers assigned to patrol. However, only 5% of misconduct complaints were filed against female officers. IPA data analysis also indicated that only 2% of the unnecessary force complaints were against female officers.

The IPA recognized that despite recruitment efforts by the SJPD to increase the number of females in the department over the past years,

females were still significantly under-represented even when comparing the 9% female make up of the department to other police departments.

Based on this data and research, the IPA made the following recommendations that are followed by an update of their status:

### A. Develop job descriptions that also include those skills necessary to effectively implement community policing such as communication, conflict resolutions, and interpersonal skills.

**Update:** These issues are addressed through the Oral Board Testing and current on-going meetings with the Employee Services Department. During the oral testing, candidates are asked questions dealing with community policing, communication and conflict resolution. The Employee Services Department has also been informed about developing job descriptions that cover those areas. In addition, these areas are also emphasized in job preparation seminars, job fairs, promotional materials and advertising.

### B. Design and implement recruiting strategies that address family related issues.

**Update:** Several recruiting strategies have been implemented that address family related issues. The SJPD has partnerships with the San José Convention and Visitor's Bureau regarding marketing strategies for recruiting personnel, where those issues are addressed. These partnerships have unfortunately not proven to be very effective, which can be attributed to the high turnover rate of personnel at the Visitor's and Convention Bureau. The SJPD also has a number of new strategies that were designed and deployed for recruiting purposes. Some examples include opportunities for candidates who do not meet the required standards on physical agility tests to re-test. The SJPD noted however, that the trend indicates that individuals who fail to meet the required physical agility standards are not likely to pass with



other attempts. Another alternative that has been studied to address family related issues is child-care benefits for police personnel. This would attract individuals, especially females with children, to consider a career in law enforcement with the City of San José. However, the current economic impact that has dramatically affected the City of San José has unfortunately made this attractive possibility not feasible at this time. This proposal will remain suspended until such time that the state of the economy improves to the point that it can be re-activated as a viable proposal.

Despite the current economic conditions, recruiting strategies that address family related issues are being utilized. The San José area remains a favorable place to work, live, and raise a family, and salaries for San José police officers are among the highest in the nation. These facts are being emphasized in current recruiting efforts. In the January 2002 police academy there were eight female police recruits out of 34 total recruits. In the July 2002 academy the number of female recruits dropped to three of 39 total recruits. The number of females was back up to eight female recruits in January 2003. While it may be possible that this most recent rise in female recruits is due to the recruiting efforts being made, it is more likely that it is a result of more people becoming unemployed and considering careers in public service. Tracking trends into the future will provide us with more information by which to make a determination of the effectiveness of the efforts to increase female recruits.

## **C. Revise the policies governing transfer opportunities for SJPd sergeants to require that openings be posted, and that the application and selection process, provide all candidates an equal opportunity for the assignment.**

**Update:** This recommendation was adopted. Sergeant transfer opportunities are now announced and are available through the City's Intranet.

## **D. Continue to develop and provide training in communication and interpersonal skills.**

**Update:** The Training Unit has developed a program that addresses this issue. Officers are given training in the various aspects of communication and interpersonal skills, such as, car stops. The effort made by the SJPd in designing this type of training has been recognized by the "Peace Officer Standards Training" (POST), and will now be required training for all California peace officers.

## **III. Information About the IPA and SJPd**

The public expects and deserves prompt and accurate responses by the IPA and SJPd. This is especially true in providing the public information about the citizen complaint process, Internal Affairs Unit, or the IPA. Because it is in the best interest of the public and the SJPd to provide accurate information regarding the citizen compliant process or departments that specialize in this area, the IPA submitted the following recommendation.

## **Recommendation: A training program for all SJPd staff members, especially those, who are in positions to provide information to the public, should be instituted and maintained. This is to ensure that accurate and updated information is being provided to the public about the citizen complaint process, the functions of the IPA and IA Unit, and where a complaint can be filed.**

**Update:** This recommendation has been adopted. The SJPd has implemented a training program for all staff members working the Information Center so that accurate and updated information is being provided to the public. This training extends to civilian personnel employed as call-takers such as 311, 911, dispatchers, and Information Center personnel. Training for police officers about the IPA and SJPd will be provided as part of the SJPd's Continued Professional Training program (CPT).

## IV. Recommendations and SJPd Responses

Since July 1, 1999, the SJPd has been collecting data that identifies the ethnicity, gender and age of every individual subject to a vehicle stop by a San José Police officer. The action taken against the driver as a result of the vehicle stop and the location of the vehicle stop is also tracked. The SJPd was one of the first major city police departments to voluntarily undertake this type of data collection effort in response to community concerns that officers were engaged in racial profiling and conducted pretext stops of minority community members. The IPA identified the need to define “racial profiling”.

In the 2000 Year End Report, the IPA reviewed the SJPd’s *Vehicle Stop Demographic Study for the period of July 1, 1999 to June 30, 2000*. In this first vehicle stop report, the SJPd found that African Americans and Hispanic Americans were stopped at a higher rate than their overall representation within San José. The IPA’s analysis of the SJPd’s Vehicle Stop Demographic Study indicated that Hispanic Americans were being stopped at a significantly higher rate when compared to their overall representation in the City. The IPA noted that in areas of the City where the makeup of the larger population was not Hispanic Americans, there still existed disproportionate figures of Hispanic Americans being stopped, that justified further examination. As a result, the IPA made the following recommendations in the 2001 Year End Report. Updates for each recommendation are also included.

**A. Recommendation: The SJPd should compile vehicle stop data on an annual basis so that a comparative analysis can be made.**

**Update:** The SJPd has continued to compile vehicle stop data since the Vehicle Stop Demographic Study was implemented on June 1, 1999. The SJPd will now issue an annual report, which contains details of the data that was collected and is available to the public.

**B. Recommendation: The Chief of Police should expand the fields for data collection to determine how an individual who has been stopped by the police was treated during the contact, i.e. was a search conducted. The data should include search information, the factual basis for the stop and action taken by the police officer as a result of the stop.**

**Background:** The IPA originally introduced this recommendation during the year 2001. It was not adopted at that time because of the possibility that the State of California would enact legislation requiring that all law enforcement agencies within the State gather vehicle stop data however, this legislation was not adopted, and as a result this recommendation was reintroduced.

The IPA’s reasoning for making this recommendation was to create a process by which sufficient data could be collected in order to assess whether police initiated vehicle stops are disproportionately impacting minorities.

**Update:** This recommendation has been adopted and the data collection by the San José Police Department is in progress. It is the expectation of the IPA that sufficient data will be available to make an assessment and to present this information in the IPA's 2003 Year End Report.

**C. Recommendation: It is recommended that the Chief of Police develop a uniform definition of what constitutes a racially motivated vehicle stop or police contact and a process for tracking all "Racial Profiling" allegations.**

**Update:** This recommendation was adopted. SJPd developed a working definition of profile stops, which was issued to all Department members on September 12, 2000, and is currently included in the SJPd Duty Manual. This definition will be used in racial profiling allegations brought by any complainant.

**D. Recommendation: The SJPd should expand the platform of the database used by the Internal Affairs Unit to facilitate the recording, tracking, and analysis of "Racial Profiling" and all other types of citizen complaints.**

**Update:** The Internal Affairs Unit has secured funding which will allow the database to be upgraded to include racial profiling allegations as well as address other recommended changes by both the Internal Affairs Unit and the IPA. While there is no specific date for this upgrade to be completed, the SJPd Systems Development Unit is committed to make this project a high priority.